REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion is respectfully requested.

Claims 1-3, 5-8, 10-13, 15-27 and 29 are pending in this application. Claims 11 and 25 are amended; and Claim 28 is canceled by the present amendment. Support for amended independent Claims 11 and 25 can be found in the original specification, claims and drawings.[1] No new matter is presented.

In the outstanding Official Action, Claims 11-13 and 25-27 were rejected under 35 U.S.C. § 101; and Claims 1-3, 5-8, 10-13 and 15-29 were rejected under 35 U.S.C. § 102(b) as anticipated by Wang et al. ("Policy-Enabled Handoffs Across Heterogeneous Wireless Networks", published at WMCSA 1999, hereinafter "Wang").

In response to the rejection of Claims 11-13 and 25-27 under 35 U.S.C. § 101, these claims are amended to recite "a computer program product including a computer-readable memory with a computer program code mechanism stored therein..." Thus, these claims now recite a "memory," which is a tangible hardware component. Further, previously presented Claim 28 recited "a computer-readable memory in which the program as set forth in Claim 11 is recorded." As this claim was not rejected under 35 U.S.C. § 101, Applicants accept this as an indication that the "computer-readable memory" feature recited in this claim is sufficient to overcome the 35 U.S.C. § 101 rejection noted above. Accordingly, Claims 11 and 25 are amended to incorporate this feature.

Therefore, Applicants respectfully request that the rejection of Claims 11-13 and 25-27 under 35 U.S.C. § 101 be withdrawn.

---

[1] e.g., previously presented Claim 28.

Claims 1-3, 5-8, 10-13 and 15-29 were rejected under 35 U.S.C. § 102(b) as

anticipated by <u>Wang</u>. Applicants respectfully traverse this rejection, as independent Claims

1, 6, 11, 15, 20, 25 and 26 state novel features clearly not taught or rendered obvious by the

applied reference.

Amended Claim 1 is directed to a link manager for selecting an available link for

communications. The link manager defines a plurality of link metrics indicating

characteristics of each link detected and manages data corresponding to the respective link

metrics on a table. A rank is then assigned to each link metric, and to the data corresponding

to each link metric. The link manager then selects a link having link metrics complying with

a given condition by analyzing each link based on each individual stored metric *in order of*

rank, and selecting a link corresponding to a record having data with a highest rank thus

assigned, at a link metric with a highest rank.

Specifically, amended Claim 1 recites, *inter alia*, a link manager, comprising:

> ...selecting means for selecting a link by analyzing
> each link based on each individual stored metric *in order of*
> *rank*, and selecting a link corresponding to a record having
> data with a highest rank thus assigned, at a link metric with a
> highest rank.

Independent Claims 6, 11, 15, 20, 25 and 26, while directed to alternative

embodiments, recite substantially similar features. Accordingly, the arguments presented

below are applicable to each of independent Claims 1, 6, 11, 15, 20, 25 and 26.

In an exemplary embodiment, a link manager sorts the records in the link

management table shown in Fig. 6, using the link metric with the highest priority as depicted

in Fig. 4, as a key. The link metric with the highest priority, is set as n=1 (step ST1) and all

the records are selected (step ST2). The record selected at step ST2 is sorted based on these

priorities assigned to the data (step ST3), and each individual link is examined with respect to

12

this data assigned to the highest priority link metric. If one link is determined to have superior performance over the other links with respect to the link parameter having the highest priority, this link is selected as the active link. Otherwise, analysis continues using the next highest priority metric applied to each individual link until differentiation occurs and any one link is determined to be superior to another in terms of a selected metric in the order or priority.[2]

Turning to the applied reference, <u>Wang</u> describes a system to enable handoffs between a plurality of links provided to a mobile station. <u>Wang</u> describes that users may specify the importance or weights of each normalized parameter corresponding to characteristics of a specific link.[3] These weights are then used simultaneously to determine a "cost function" or similar <u>cumulative parameter</u> corresponding to a specified network in order to determine the best available link.[4]

<u>Wang</u>, however, fails to teach or suggest selecting a link by analyzing each link based on each individual stored metric *in order of rank...*, as recited in amended Claim 1.

In addressing the above-noted claimed feature, the Official Action, in the "Response to Remarks" section cites p. 55, sec. 5.3 of <u>Wang</u> and states

> By evaluating the cost of the links, the weights of the individual parameters of the links are being evaluated. If they were not, the individual weights assigned would have no true meaning. This is further supported by the fact that Wang teaches how parameter can be weighted to zero if they are not to be evaluated. If all but one parameter is to be evaluated and ranked, the other parameters can be weighted, as being zero and then only that parameter will be evaluated[5]

---

[2] Specification, p. 16, line 19-p. 18, line 10 and Fig. 7.
[3] <u>Wang</u>, p. 55, col. 2, lines 29-35.
[4] <u>Id.</u>, p. 56, col. 1, lines 1-37.
[5] Official Action, p. 12.

However, this characterization of Wang fails to address the above noted feature

required by independent Claim 1. As noted above Claim 1 recites selecting a link by

analyzing each link based on each *individual* stored metric *in order of rank*. Thus, each

parameter is considered individually, and in order according to rank. In contrast, even if one

of the parameters in Wang's system is weighted as one, with the rest being weighted as zero,

all of the parameters of Wang's system are simultaneously calculated to determine the

cumulative cost parameter, as discussed below. Thus, even if a parameter of Wang is

weighted as zero, it is used in the simultaneous calculation to determine the cumulative cost

value. Therefore, the parameters are not analyzed *individually and in order of rank* to select

a link.

In Wang, a "cost value" is determined for each link, which is a cumulative parameter

calculated based on taking into account all of the user's assigned preferences, as noted above.

The cost value for each link is then analyzed and the link with the lowest cost value wins, and

is selected as the active link. Thus, Wang describes that each link is analyzed based on a

cumulative parameter (cost value) which is calculated by simultaneously taking into account

a variety of weighted (one, zero, or otherwise) parameters corresponding to each link.
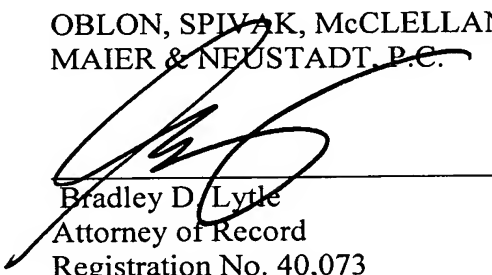
Therefore, Wang fails to teach or suggest selecting a link by analyzing each link

based on each individual stored metric *in order of rank*, and selecting a link corresponding to

a record having data with a highest rank thus assigned, at a link metric with a highest rank, as

recited in independent Claim 1.

Accordingly, Applicants respectfully request the rejection of Claim 1 under

35 U.S.C. § 102(b) be withdrawn. For substantially the same reasons given with respect to

amended Claim 1, Applicants respectfully submit that amended Claims 6, 11, 15, 20, 25 and

29 also patentably define over Wang.

14

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1-3, 5-8, 10-13, 15-27 and 29, is patentably distinguishing over the applied references. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of the application is therefore requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

Andrew T. Harry
Registration No. 56,959